

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY L. COTTEN,

Plaintiff,

v.

NANCY A. BERRYHILL, Commissioner  
of the Social Security Administration,

Defendant.

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CIVIL ACTION NO. 16-6641

**ORDER**

**AND NOW**, this 15th day of September, 2016, after considering the complaint (Doc. No. 3), the answer to the complaint (Doc. No. 7), the administrative record (Doc. No. 8), the plaintiff's brief and statement of issues in support of request for review (Doc. No. 10), the defendant's response to the request for review (Doc. No. 11), the plaintiff's reply to the defendant's response (Doc. No. 14), and the report and recommendation filed by United States Magistrate Judge Thomas J. Rueter on August 30, 2017 (Doc. No. 15); and no party having filed objections to the report and recommendation; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to return this matter to the court's active docket;
2. The report and recommendation (Doc. No. 15) is **APPROVED** and **ADOPTED**;<sup>1</sup>
3. The plaintiff's request for review is **DENIED**;

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<sup>1</sup> Since neither party filed objections to Judge Hart's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Hart's report for plain error and has found none.

4. The final decision of the Commissioner is **AFFIRMED**; and
5. The clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:

/s/ *Edward G. Smith*  
EDWARD G. SMITH, J.